



# Equality Impact Assessment Record Form 2012-16

## Section 1: Service Details and Summary of EIA Activity

<b>Title of activity:</b>	Proposed changes to Darlington's concessionary travel scheme – assessment process
<b>Lead Officer for EIA:</b>	Sue Dobson
<b>Telephone:</b>	01325 40 6207
<b>Service Group:</b>	Economic Growth
<b>Service or Team:</b>	Sustainable Transport
<b>Assistant Director accountable for this EIA</b>	Dave Winstanley
<b>Who else is involved in carrying out the EIA:</b>	Gill Hutchinson (DBC), Deena Wallace (DBC)

**What stage has the EIA reached?** Provide date and a brief note of where you're up to. List any consultation or engagement. Facts, figures and findings go elsewhere.

Stage	Date	Summary of position
<b>Stage 1: Initial officer assessment to identify whole population likely to be affected</b>	23 July 2015	<p>Identified as part of initial Chief Officers Executive Report</p> <p>Concessionary bus pass holders that apply for a bus pass under the following eligibility criteria:</p> <ul style="list-style-type: none"> <li>(a) Category D - has a disability, or has suffered an injury, which has a substantial and long term adverse effect on his or her ability to walk.</li> <li>(b) Category G - would, if he or she applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his/her application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.</li> </ul>
<b>Stage 2: Further assessment to identify target population</b>	23 July 2015	<p>Identified as part of initial Chief Officers Executive Report</p> <p>Agreed to contact those existing pass holders that would be affected by the proposed change to the assessment process i.e. those that would need to be re-assessed. Number to be confirmed from the Customer Management System.</p> <p>Unable to identify potential applicants, but consult with other</p>

		officers and organisations about how the assessment process would be applied in future to ensure that it is fit for purpose.
<b>Stage 3: Further assessment to identify individuals</b>	December 2015	2,333 existing concessionary bus pass holders were identified who had been issued with a pass under Category D or G. A process was applied to reduce this number to 626 people who would be affected by this proposal.  Those excluded were:- <ul style="list-style-type: none"> <li>• Those that would qualify on age within 1 year of March 2016 (832 people)</li> <li>• Have a Blue Badge (480 people)</li> <li>• Have evidence of automatic entitlement (395 people)</li> </ul>
<b>Stage 4: Analysis of Findings</b>	January 2016	170 people responded to the letter, but only one person made comments on the proposal itself
<b>Stage 5: Sign-Off</b>	February 2016	EIA appended to Cabinet Report for consideration on 8 March 2016
<b>Stage 6: Reporting and Action Planning</b>		

## Section 2: The Activity and Supporting Information

<b>Details of the activity (main purpose and aims)</b>
<p><b>1. The ‘activity’ is the proposal to change the policy for assessments for a disabled pass under the English National Concessionary Travel Scheme. There are no changes to the criteria. This is to bring the assessment process in line with Government guidance (Guidance to local authorities on assessing eligibility of disabled people in England for concessionary bus travel; 8 April 2013).</b></p> <p><b>Disabled Pass Eligibility</b></p> <p>2. Under the terms of the Transport Act 2000, it is for a local authority to determine whether someone is a 'disabled person' or not, based on the definitions in the Act and guidance issued by the Department for Transport (DfT).</p> <p>3. There are automatic qualifications of entitlement (not requiring further assessment), such as the following state benefits:</p> <ol style="list-style-type: none"> <li>Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA).</li> <li>Personal Independence Payment (PIP), where the applicant has been awarded at least eight points against either the PIP ‘Moving around’ and/or ‘Communicating verbally’ activities.</li> <li>War Pensioner's Mobility Supplement (WPMS).</li> <li>And where a person has a disabled person’s parking badge (Blue Badge).</li> </ol> <p>4. Outside of the above, local authority registers for those who are blind, partially sighted, profoundly or severely deaf, have a mental illness qualification and are known to Social Services, or have a significant learning disability are used to verify eligibility.</p> <p><b>Applicants Requiring Further Assessment</b></p>

5. Assessment of applicant's without an automatic state benefit and who are not registered or known to the Council require further assessment to determine if they are eligible for an ENCTS pass.
6. Applicants who require further assessment broadly apply under the following categories:
  - a. Category D - has a disability, or has suffered an injury, which has a substantial and long term adverse effect on his or her ability to walk.
  - b. Category G - would, if he or she applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his/her application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.
7. Currently, an applicant's GP is relied upon to provide sufficient evidence of their eligibility, however, the DfT regard this practice as unsatisfactory. The main argument against this approach is that it compromises the doctor/patient relationship. There is also disparity depending on a GP's willingness to provide evidence that may grant their patient a pass.
8. The DfT strongly recommend that independent health professionals should undertake independent medical assessments in place of GPs. In the case of assessment of the inability to walk and/or drive, Occupational Therapists (OT's) are best placed to assess eligibility due to their professional knowledge of mobility, rather than the emphasis being on the medical condition. In Darlington OT assessments are already in place for Blue Badge applications requiring further assessment.

#### **Applicants Requiring Assessment from April 2016**

9. It is proposed that from April 2016 new applicants who apply under category D or G will follow this process:-
  1. Applicant to complete the application form and post or deliver it to the Town Hall
  2. Application will be checked and reviewed.
  3. If a decision can be taken on the basis of the information provided, and the application is approved, the applicant will be contacted and asked to attend the Customer Service Centre at the Town Hall to have a photograph taken, if it has not been taken already. An ENCTS disabled pass will be ordered from a central bureau and it will be sent direct to the applicant's home address.
  4. If a decision cannot be taken on the basis of the information provided: Under category D - the applicant will be contacted and invited to attend a face to face assessment undertaken by a DBC Occupational Therapist, probably carried out in the customers own home. Under category G – the customer will be sent a form for completion by a medical professional. If the application is approved, and ENCTS disabled pass will be ordered from a central bureau and it will be sent direct to the applicant's home address.
  5. In either case, if the application is unsuccessful the applicant will be contacted and informed of both the decision and the appeals process.

#### **Existing pass holders requiring re-assessment from April 2016**

10. Those pass holders that have already been issued a bus pass on the basis of category D or G will be contacted and asked to take part in a re-assessment in line with the new policy, as follows:-
  1. Applicant will be contacted to ask them to provide information to support their previous application. At this stage the applicant may be able to provide information for automatic entitlement either under category D or G or one of the other categories as their situation may have changed.
  2. If a decision can be taken on the basis of the information provided, and the pass holder can keep their pass, the pass holder will be contacted and informed that no further action is required.
  3. If a decision cannot be taken on the basis of the information provided, under

category D - the pass holder will be contacted and asked to attend a face to face assessment, undertaken by a DBC Occupational Therapist, probably carried out in the customers own home. Under category G – a form will be sent to the customer for completion by a medical professional. If the pass holder can keep their pass, the pass holder will be contacted and informed that no further action is required.

4. In either case, if the assessment is unsuccessful the pass holder will be contacted and informed of both the decision and the appeals process. The pass holder will be asked to destroy the bus pass as it is no longer valid. The bus pass will be destroyed or ‘hotlisted’ so that it can no longer be used on local bus services.

A number of people will be excluded from this process to minimise the number of people who may need a reassessment. Those to be excluded are:

- (a) Those that will qualify within 12 months of March 2016 on the basis of age
- (b) Have a Blue Badge
- (c) Have already provided evidence of automatic entitlement through their CMS or CareFirst record
- (d) Social Services have verified that they would meet the eligibility criteria under a different category

### **Whole population**

All bus pass holders issued with a Darlington disabled bus pass under the ENCTS scheme, which expires on 31 March 2016

Any other disabled people who may be eligible but have not applied for a bus pass to date

### **Target population**

All bus pass holders issued with a Darlington disabled bus pass under the ENCTS scheme, specifically those who applied under categories D and G

### **Individuals**

All bus pass holders issued with a Darlington disabled bus pass under the ENCTS scheme, specifically those who applied under categories D and G, would not qualify through age within one year of the bulk replacement and do not have a blue badge or have not provided further evidence for automatic entitlement under any of the categories – total 626 pass holders

### **What data, research and other evidence or information is available which is relevant to the EIA?**

National guidance on the assessment process is provided by the Department for Transport in its document: ‘Guidance to local authorities on assessing eligibility of disabled people in England for concessionary bus travel; 8<sup>th</sup> April 2013’.

Also, ‘Guidance on assessing the eligibility of Service Personnel and Veterans for the English National Travel Scheme; August 2011’ and the ‘At a glance guide to the current medical standards of fitness to drive, for medical practitioners; November 2014, including August 2015 amendments’.

Information from other local authorities on their assessment processes.

Evidence from the officers dealing with applications and the level of queries that arise from applicants and

GP surgeries

### Section 3: Officer Assessment

Use this table to record officer views on potential equality impacts. As the activity and assessment develop, views may change – record them here.

Protected Characteristic	Potential Impact: Positive Negative Mixed N/A	Potential level of impact: High Medium Low Nil	Summary of Impact
<b>Age</b>	Positive	Low	Those who apply for a bus pass on the basis of age are not affected by the proposal to change the assessment process.  The proposal to change the assessment process excludes those people who currently have a disabled pass, but who would automatically qualify on the basis of age within a year of the bulk pass replacement process. These people would not have to be reassessed.
<b>Race</b>	N/A	Nil	
<b>Sex</b>	N/A	Nil	
<b>Gender Reassignment</b>	N/A	Nil	
<b>Disability (summary of detail on next page)</b>	Mixed	Low	
<b>Religion or belief</b>	N/A	Nil	
<b>Sexual Orientation</b>	N/A	Nil	

<b>Pregnancy or maternity</b>	N/A	Nil	
<b>Marriage/Civil Partnership</b>	N/A	Nil	

### Section 3: Officer Assessment – continued

<p><b>The Council must consider disabled peoples' impairments when making decisions about 'activities'. This list is provided only as a starting point to assist officers with the assessment process. People with similar impairments may experience completely different impacts. Consider the potential impacts and summarise in the Disability section on the previous page.</b></p>			
<b>Mobility Impairment</b>	Mixed	Medium	<p>The assessment involves those with mobility impairment (category D of ENCTS) – whilst those who are eligible in line with the criteria will get or keep their pass, the process may be stressful.</p> <p>Those that are deemed to be 'not eligible' will not receive or will lose their pass.</p>
<b>Visual impairment</b>	N/A	Nil	<p>The assessment process for those with a visual impairment will not change unless they are specifically applying under category G relating to their ability to read a number plate at a certain distance or due to restricted visual fields.</p>
<b>Hearing impairment</b>	N/A	Nil	<p>The assessment process for those with a hearing impairment will not change</p>
<b>Learning Disability</b>	N/A	Nil	<p>The assessment process for those with a learning disability will not change</p>
<b>Mental Health</b>			<p>The assessment involves those who if they applied for a driving licence under Part III of the Road Traffic Act 1988, would have their application refused pursuant to section 92 of the Act, otherwise than on the grounds of persistent misuse of drugs or alcohol (category G of ENCTS) – this could include some people with a severe mental health issues. Whilst those who are eligible in line with the criteria will get or keep their pass, the process may be stressful.</p> <p>Those that are deemed to be 'not eligible' will not receive or will lose their pass.</p>
<b>Long Term Limiting Illness</b>			<p>The assessment involves those who if they applied for a driving licence under Part III of the Road Traffic Act 1988, would have their application refused pursuant to section 92 of</p>

			<p>the Act, otherwise than on the grounds of persistent misuse of drugs or alcohol (category G of ENCTS) – this could include some people with specific long term limiting illnesses as defined in the guidance such as some types of epilepsy. Whilst those who are eligible in line with the criteria will get or keep their pass, the process may be stressful.</p> <p>Those that are deemed to be 'not eligible' will not receive or will lose their pass.</p>
<b>Multiple Impairments</b>	N/A	Nil	An applicant only needs one impairment to qualify in line with the criteria set out in the Transport Act and subsequent guidance from DfT.
<b>Other - Specify</b>			

<b>Potential Cumulative Impacts</b>
None identified.

## Section 4: Engagement Decision

<b>Do you need to engage now, or during the development of the activity, to better understand how the activity might affect people because of their protected characteristics?</b>	<b>Yes</b>
<b>If YES, proceed to the next section.</b>	
<b>If NO, briefly summarise below the reasons why you have reached this conclusion.</b>	

## Section 5: Involvement and Engagement Planning

<b>Has the assessment shown that the activity will have a different effect on people because of their protected characteristic(s)? Yes</b>
<b>If yes, please state which groups and how</b>
Disabled people who will or who have applied for a bus pass on the basis of disability, categories D or G only.
These people will now have to undergo an assessment by an independent medical professional rather

than by their own GP.

**Will the difference advance equality for people with that protected characteristic? Yes**

**If yes, please state which groups and how**

Disabled people who will or who have applied for a bus pass on the basis of disability, categories D or G only.

These people will now all be assessed in the same way by an independent assessor rather than by multiple GPs, ensuring a level playing field for all applicants.

The assessment process is more robust and in line with the level of proof that those with other disability characteristics have to provide.

**Will the difference cause or increase disadvantage for people with that protected characteristic? Yes**

**If yes, please state which groups and how**

Disabled people who will or who have applied for a bus pass on the basis of disability, categories D or G only

It may lengthen the time taken to determine an application compared to those that apply under other categories.

It will cause disadvantage for anyone who loses an existing pass or who is deemed to be 'not eligible' on a new application. This is a financial disadvantage and is based on the eligibility for a pass (or not) rather than on the revised assessment process.

**Involvement and Engagement Plan**

Which organisations, groups and individuals do you need to involve or engage and how?

Date of plan entry	Organisation, Group or Individuals	Date of event or activity	Type of activity – venue, channels, method and staffing
07/08/15	Gordon Pybus, DAD	07/08/15	Meeting to discuss proposal and approach to EIA in terms of involving disabled people
01/10/15	All current pass holders that applied under category D or G and whom will not qualify on age within 12 months of March 2016; do not have a blue badge; have not provided any additional information for automatic entitlement	18/12/15	Letter sent to individuals requesting feedback on the proposal and advising that any additional evidence for automatic entitlement could be forwarded for evaluation



18/09/15	Local Medical Council	25/09/15	Email; requesting feedback on changing the evaluation process and role of GPs and other healthcare professionals in the new assessment process
01/12/15	Various	17/12/15	Email; sent to Darlington CAB, GOLD, Age UK, The Alzheimers Society, Social Service, RNIB, Town Mission requesting feedback on changing the evaluation process and role of GPs and other healthcare professionals in the new assessment process

## Section 6: Engagement Findings

	Date/summary of engagement carried out	Summary of impacts identified
<b>Age</b>		
<b>Disability</b>	18/01/16 consultation closed for existing pass holders	<p>There were 170 responses to the letters but only one person made comments about the proposed change in the assessment process.</p> <p><i>I have just received my letter on changes to the passes. Surely these letters should not have been sent out until it was decided at the meeting that these changes would take place. I fear a large amount of Tax Payers money has been wasted when it might not happen yet.</i></p> <p><i>I also feel strongly that GP's should be consulted as they know their patients illnesses and limitations as mine does. Surely contacting my GP is a much cheaper process than paying an independent assessor who does not have the time to fully appreciate a patient's condition. I suffer Epilepsy and as such have never applied for a license, as I would not get one, due to my fits. Yet according to the documents you sent me I need to apply for a licence to get a refusal letter from the DVLA to</i></p>

		<i>prove I cannot drive and require a bus pass I need my pass for getting to and from the school I work in and putting the worry of maybe having this revoked before Christmas especially when it has not been confirmed as a new process could, and should, have been avoided.</i>
<b>Mobility Impairment</b>		
<b>Visual impairment</b>		
<b>Hearing impairment</b>		
<b>Learning Disability</b>		
<b>Mental Health</b>		
<b>Long Term Limiting Illness</b>		
<b>Multiple Impairments</b>		
<b>Other - Specify</b>		
<b>Race</b>		
<b>Sex</b>		
<b>Gender Reassignment</b>		
<b>Religion or belief</b>		
<b>Sexual Orientation</b>		
<b>Pregnancy or maternity</b>		
<b>Marriage / Civil Partnership</b>		

## Section 6: Engagement Findings – Continued

Please explain your findings for each area of the Public Sector Equality Duty.

**a) Does the activity help to eliminate discrimination, harassment and victimisation?**

All applicants who require an assessment by the Occupational Therapy team will receive a consistent assessment.

The level of proof will now be consistent and in line with DfT guidance

**b) Does the proposal help to advance equality of opportunity?**

No

**c) Does the proposal help to foster good relations?**

All healthcare professionals that are required to provide information will now only provide facts not opinions. This should support doctor/patient relationships.

**During the engagement process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.**

No

## Section 7 - Sign-off when assessment is complete

Officer Completing the Form:		
Signed	Name:	Sue Dobson
	Date:	05/02/16
	Job Title:	Sustainable Transport Manager
Assistant Director:		
Signed	Name:	Dave Winstanley
	Date:	05/02/16
	Service:	Highways, Transport & Capital Projects

## Section 8: Report Findings to Decision Makers

Any report to decision makers should clearly identify impacts, options and reasons. What does the EIA show? More than one may apply:

a) No negative impact. All opportunities to advance equality have been taken. Monitor progress on implementation. ✓
b) Negative impacts identified. Adjustments to remove barriers or to better advance equality have been proposed. x
c) Negative impacts or missed opportunities to advance equality have been identified. If the proposal is for the activity to continue unchanged, justification or compelling reasons have been given. x
d) Unlawful discrimination identified. Stop and rethink activity. x

## Section 9: Action Plan and Performance Management

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
No negative impacts have been identified with the assessment process			

Performance Management	
Date of the next EIA review	Review after 6 months
Further review dates	12 months
Who will lead the review?	Gill Hutchinson

